In re Application of:

Jon C. Taenzer

Serial No.: 10/812,718

Filed: March 29, 2004

For: HEARING SYSTEM

Docket No. 2023

Confirmation No.: 3745

Confirmation No.: 3745

Examiner: Ping Lee

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

BEAMFORMER

Sir:

In accordance with 37 CFR § 1.97 and 1.98, and , the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A (08-00) are enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

## CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of deposit

Iocelyn L. Ile

09/26/2005 DEMMANU1 00000055 502518 10812718

02 FC:1806

180.00 DA

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

(1) within thro application fil 37 CFR § 1.4	DS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is see months of the filing date of the application, which is not a continued prosecution led under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 91; or (3) before the mailing of a first Office action on the merits; or (4) before the first Office action after filing a request for continued examination under § 1.114. Thus, no						
fee is required							
	However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.						
	However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.						
This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.  The fee due under 37 CFR § 1.17(p) is submitted herewith.							
	A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.						
§ 1.113 or a N	DS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A ler 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted						
	STATEMENT UNDER 37 CFR § 1.97(e):						
Each	item contained in this IDS was first cited in any communication from a foreign patent						
office in a counterpart foreign application not more than three months prior to the filing of this IDS.							
No item contained in this IDS was cited in a communication from a foreign patent office in a							
counterpart foreign application, and, to the knowledge of the person signing this statement after							
making reaso	nable inquiry, no item of information contained in this IDS was known to any individual						
designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.							

	PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:								
	A check in the amount of is enclosed for the above fee(s).								
$\boxtimes$	Please charge \$180.00 to Deposit Account No. 50-2518 for the above fee(s).								
	Although applicant believes no fee is required, the Commissioner is authorized to charge any								
	fees required by the filing of these papers, and to credit any overpayment to Bingham								
	McCutchen's Deposit Account No. 50-2518.								
	Respectfully submitted,								
	BIGHAM McCUTCHEN LLP								
Dated:	9/21/05 By:								
Daile G.	Michael J. Bolan								
	Reg. No. 42,339								

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4400

PATENT TRADEMARK OFFICE

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known				
Application Number	10/812,718			
Filing Date	March 29, 2004			
First Named Inventor	Jon C. Taenzer			
Group Art Unit	2644			
Examiner Name	Ping Lee			
Attorney Docket Number	2023796-7036165001			

					U.S. P	ATENT DOCUM	MENTS		
Examiner Cite No.1		U.S. Pat Number	Kind Co	ode <sup>2</sup>	Name of Patentee or Applicant of Cited Document		Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	1.	5,764,7		-		Zurek	06-09-1998	4.7	
					<b>FOREIGI</b>	N PATENT DOC	:UMENTS		
Examiner Initials*	Cite No.1	Cite		nber <sup>4</sup> Kind Code <sup>5</sup> (if known)		Name of Patentee or Applicant of Cited Document		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
				-					
<del></del> :		-			-		<del>                                     </del>		<del>                                     </del>

Examiner Signature	Date Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents. Alexandria, VA 22313-1450.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark hee if English language Translation is attached.